

**The Prime Minister of the Dutch State as SS-er already displayed on the internet for years. Why does the Dutch government not take any steps?**



Comparison of Mark Rutte (Prime Minister of the Netherlands)



## Countering illegal hate speech online – Commission initiative shows continued improvement, further platforms join

Brussels, 19 January 2018

**The third evaluation of the Code of Conduct on countering illegal online hate speech carried out by NGOs and public bodies released today shows that IT companies removed on average 70% of illegal hate speech notified to them.**

Since May 2016, Facebook, Twitter, YouTube and Microsoft have committed to combatting the spread of such content in Europe through the Code of Conduct. The third monitoring round shows that the companies are now increasingly fulfilling their commitment to remove the majority of illegal hate speech within 24 hours. However, some further challenges still remain, in particular the lack of systematic feedback to users.

Google+ announced today that they are joining the Code of Conduct, and Facebook confirmed that Instagram would also do so, thus further expanding the numbers of actors covered by it.

**Andrus Ansip**, European Commission Vice President for the Digital Single Market, welcomed these improvements: *"Today's results clearly show that online platforms take seriously their commitment to review notifications and remove illegal hate speech within 24 hours. I strongly encourage IT companies to improve transparency and feedback to users, in line with the guidance we published last year. It is also important that safeguards are in place to avoid over-removal and protect fundamental rights such as freedom of speech."*

**Věra Jourová**, EU Commissioner for Justice, Consumers and Gender Equality, said: *"The Internet must be a safe place, free from illegal hate speech, free from xenophobic and racist content. The Code of Conduct is now proving to be a valuable tool to tackle illegal content quickly and efficiently. This shows that where there is a strong collaboration between technology companies, civil society and policy makers we can get results, and at the same time, preserve freedom of speech. I expect IT companies to show similar determination when working on other important issues, such as the fight with terrorism, or unfavourable terms and conditions for their users."*

Since its adoption in May 2016, the Code of Conduct has delivered steady progress in the removal of notified illegal content, as today's evaluation shows:

- On average, IT companies **removed 70% of all the illegal hate speech notified** to them by the NGOs and public bodies participating in the evaluation. This rate has steadily increased from 28% in the first monitoring round in 2016 and 59% in the second monitoring exercise in May 2017.
- Today, all participating IT Companies fully meet the target of **reviewing the majority of notifications within 24 hours**, reaching an average of **more than 81%**. This figure has doubled compared to the first monitoring round and increased from 51% of notifications assessed within 24 hours registered in the previous monitoring round.

### Expected improvements

While the main commitments in the Code of Conduct have been fulfilled, further improvements need to be achieved in the following areas:

- **Feedback to users is still lacking** for nearly a third of notifications on average, with different response rates from different IT Companies. Transparency and feedback to users is an area where further improvements should be made.
- The Code of Conduct complements legislation fighting racism and xenophobia which requires authors of **illegal hate speech offences - whether online or offline - to be effectively prosecuted**. On average one in five cases reported to companies were also reported by NGOs to the police or prosecutors. This figure has more than doubled since the last monitoring report. Such cases need to be promptly investigated by the police. The Commission has provided a [network for cooperation and for the exchange of good practices](#) for national authorities, civil society and companies, as well as targeted financial support and operational guidance. About two third of the Member States have now in place a national contact point responsible for online hate speech. A dedicated dialogue between competent Member State authorities and IT Companies is envisaged

for spring 2018.

### **Next steps**

The Commission will continue to monitor regularly the implementation of the Code by the participating IT Companies with the help of civil society organisations and aims at widening it to further online platforms. The Commission will consider additional measures if efforts are not pursued or slow down.

### **Background**

The [Framework Decision](#) on Combatting Racism and Xenophobia criminalises the public incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin. Hate speech as defined in this Framework Decision is a criminal offence also when it occurs online.

The EU, its Member States, social media companies and other platforms, all share a collective responsibility to promote and facilitate freedom of expression in the online world. At the same time, all these actors have a responsibility to ensure that the internet does not become a free haven for violence and hatred.

To respond to the proliferation of racist and xenophobic hate speech online, the European Commission and four major IT companies (Facebook, Microsoft, Twitter and YouTube) presented a "[Code of conduct on countering illegal hate speech online](#)" in May 2016.

This third evaluation was carried out by NGOs and public bodies in 27 Member States, which issued the notifications. On 7 December 2016 the Commission presented the [results of a first monitoring exercise](#) to evaluate the implementation of the Code of Conduct. On 1 June 2017, [the results of a second monitoring round](#) were published.

On 28 September, the Commission adopted a [Communication](#) which provides for guidance to platforms on notice-and-action procedures to tackle illegal content online. The importance of countering illegal hate speech online and the need to continue working with the implementation of the Code of Conduct feature prominently in this guidance document.

On 9 January 2018, several European Commissioners met with representatives of online platforms to discuss the progress made in tackling the spread of illegal content online, including online terrorist propaganda and xenophobic, racist illegal hate speech as well as breaches of intellectual property rights (see [joint-statement](#)).

### **More information:**

[Factsheet on the 3rd monitoring of the Code of Conduct](#)

[Q&A](#)

IP/18/261

Press contacts:

[Christian WIGAND](#) (+32 2 296 22 53)

[Melanie VOIN](#) (+ 32 2 295 86 59)

General public inquiries: [Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)

# Countering illegal hate speech online #NoPlace4Hate

22 May 2018



To prevent and counter the spread of illegal hate speech online, in May 2016, the Commission agreed with Facebook, Microsoft, Twitter and YouTube a “[Code of conduct on countering illegal hate speech online](#)” to help users notifying illegal hate speech in this social platforms, improve the support to civil society as well as the coordination with national authorities.

The four platforms agreed to *assess the majority of users’ notifications of in 24h also respecting EU and national legislation on hate speech and committed to remove, if necessary, those messages assessed illegal*. The four Companies also agreed to *further work on improving the feedback to users and being more transparent towards the general society*.

Please find below the text of the Code of Conduct in 23 official languages of the European Union:

[bg](#)
[cs](#)
[da](#)
[de](#)
[et](#)
[el](#)
[en](#)
[es](#)
[fr](#)
[it](#)
[lv](#)
[lt](#)
[hu](#)
[hr](#)
[mt](#)
[nl](#)
[pl](#)
[pt](#)
[ro](#)
[sk](#)
[sl](#)
[fi](#)
[sv](#)



For information consult our [Q&A](#) on the Code of Conduct on countering illegal hate speech online.

## News

- Following the announcement by Instagram and Google+ on 19 January 2018, on 7<sup>th</sup> May 2018 also Snapchat announced the intention to participate to the Code of conduct on countering illegal hate speech online. See press point at [this link](#).
- On 1 March 2018, the Commission adopted a [Recommendation on measures to effectively tackle illegal content online](#). The Recommendation contains a **set of operational measures** – accompanied by the necessary safeguards – to be taken by companies and Member States and applies to all forms of illegal content, including racist and xenophobic incitement to hatred and violence.
- **19 January 2018:** the [Commission disclosed the result of the 3rd monitoring exercise on the implementation of the Code of conduct](#). These results are positive and reveal continuous progress by the IT Companies on swift removal of illegal hate speech.
- **1 June 2017:** [Commissioner Jourová presented the results of a second evaluation of the Code of Conduct](#). Results showed that, one year after its adoption, significant progress was made by IT Companies on the commitments of the Code, while some challenges remain.

To view the full result, please consult the [Factsheet on the 2<sup>nd</sup> evaluation](#).

- **6-7 April 2017: [Presidency conference in Malta](#)** on how to support civil society in delivering effective positive narratives against hate speech online. The conference gathered Member States authorities, civil society organisations and digital actors (including IT Companies and social media strategists) to discuss and share good practices on how to promote effective positive narratives against hate speech online. This is the [summary](#) of the conference.



- **7 December 2016:** the Commission presented the results of a first monitoring exercise to evaluate the implementation of the Code of Conduct. The exercise involved 12 civil society organisations specialised on monitoring online hate speech, from 9 countries, during a period of 6 weeks (over fall 2016). A [factsheet](#) summarises the main findings.
- **5 October 2016:** To ensure an effective measuring of progress on the commitments of the Code of Conduct, the Commission's [sub-group on countering hate speech online](#) agreed on a common methodology to assess the reactions of IT Companies upon notification of illegal hate speech.

## Resources

- European Commission and IT Companies announce [Code of Conduct on illegal online hate speech](#), 31 May 2016
- [Code of Conduct on illegal online hate speech](#) - Questions and Answers, 23 June 2016
- [Concept note establishing the sub-group on countering hate speech online](#)
- [Fighting illegal online hate speech: first assessment of the new code of conduct](#), 6 December 2016
- [Code of Conduct on countering online hate speech – results of evaluation show important progress](#), 31 May 2017.
- [Minutes](#) of the 25 October 2017 meeting of the Subgroup on countering hate speech online

## EU funded projects

*Ongoing projects on online hate speech:*

- [Monitoring and Detecting OnLine Hate Speech \(MANDOLA\)](#)
- [Research Report Remove: Countering Cyber Hate Phenomena \(INACH\)](#)
- [Creating an Online Network, monitoring Team and phone App to Counter hate crime Tactics \(C.O.N.T.A.C.T\)](#)
- [Monitoring and reporting online hate speech in Europe \(e-more\)](#)
- [Bringing together NGOs and Security forces to tackle hate crime and on-line hate speech against LGBT persons \(UNI-FORM\)](#)

*Open calls:*

- [Call for projects on monitor, prevent and counter hate speech online was launched within the Rights, Equality and Citizenship \(REC\) programme action grants](#). Deadline to apply: 11 October, 2018.

Follow us on Twitter: [#NoPlace4Hate](#)

## CODE OF CONDUCT ON COUNTERING ILLEGAL HATE SPEECH ONLINE

Facebook, Microsoft\*, Twitter and YouTube (hereinafter "the IT Companies") – also involved in the EU Internet Forum – share, together with other platforms and social media companies, a collective responsibility and pride in promoting and facilitating freedom of expression throughout the online world;

The IT Companies also share the European Commission's and EU Member States' commitment to tackle illegal hate speech online. Illegal hate speech, as defined by the Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law and national laws transposing it, means all conduct publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin. The IT Companies and the European Commission also stress the need to defend the right to freedom of expression, which, as the European Court of Human Rights has stated, "is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population".<sup>1</sup>

Broader society and in particular civil society organisations (CSOs) also have a crucial role to play in the field of preventing the rise of hatred online, by developing counter-narratives promoting non-discrimination, tolerance and respect, including through awareness-raising activities.

The IT Companies support the European Commission and EU Member States in the effort to respond to the challenge of ensuring that online platforms do not offer opportunities for illegal online hate speech to spread virally. The spread of illegal hate speech online not only negatively affects the groups or individuals that it targets, it also negatively impacts those who speak out for freedom, tolerance and non-discrimination in our open societies and has a chilling effect on the democratic discourse on online platforms.

The Joint Statement issued by the extraordinary Justice and Home Affairs Council of 24 March 2016 on the terrorist attacks in Brussels underlines that "the Commission will intensify work with IT companies, notably in the EU Internet Forum, to counter terrorist propaganda and to develop by June 2016 a code of conduct against hate speech online".<sup>2</sup>

In order to prevent the spread of illegal hate speech, it is essential to ensure that relevant national laws transposing the Council Framework Decision 2008/913/JHA are fully enforced by Member States in the online as well as the in the offline environment. While the effective application of provisions criminalising hate speech is dependent on a robust system of enforcement of criminal law sanctions against the individual perpetrators of hate speech, this work must be complemented with actions geared at ensuring that illegal hate speech online is expeditiously acted upon by online intermediaries and social media platforms, upon receipt of

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\* Microsoft-hosted consumer services, as relevant

<sup>1</sup> Handyside v. the United Kingdom judgment of 7 December 1976, § 49

<sup>2</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/03/24-statement-on-terrorist-attacks-in-brussels-on-22-march/>

a valid notification, in an appropriate time-frame. To be considered valid in this respect, a notification should not be insufficiently precise or inadequately substantiated.

The IT Companies underline that the present code of conduct<sup>3</sup> is aimed at guiding their own activities as well as sharing best practices with other internet companies, platforms and social media operators.

The IT Companies, taking the lead on countering the spread of illegal hate speech online, have agreed with the European Commission on a code of conduct setting the following public commitments:

- The IT Companies to have in place clear and effective processes to review notifications regarding illegal hate speech on their services so they can remove or disable access to such content. The IT companies to have in place Rules or Community Guidelines clarifying that they prohibit the promotion of incitement to violence and hateful conduct.
- Upon receipt of a valid removal notification, the IT Companies to review such requests against their rules and community guidelines and where necessary national laws transposing the Framework Decision 2008/913/JHA, with dedicated teams reviewing requests.
- The IT Companies to review the majority of valid notifications for removal of illegal hate speech in less than 24 hours and remove or disable access to such content, if necessary.
- In addition to the above, the IT Companies to educate and raise awareness with their users about the types of content not permitted under their rules and community guidelines. The notification system could be used as a tool to do this.
- The IT companies to provide information on the procedures for submitting notices, with a view to improving the speed and effectiveness of communication between the Member State authorities and the IT Companies, in particular on notifications and on disabling access to or removal of illegal hate speech online. The information is to be channelled through the national contact points designated by the IT companies and the Member States respectively. This would also enable Member States, and in particular their law enforcement agencies, to further familiarise themselves with the methods to recognise and notify the companies of illegal hate speech online.
- The IT Companies to encourage the provision of notices and flagging of content that promotes incitement to violence and hateful conduct at scale by experts, particularly via partnerships with CSOs, by providing clear information on individual company Rules and Community Guidelines and rules on the reporting and notification processes. The IT Companies to endeavour to strengthen partnerships with CSOs by widening the geographical spread of such partnerships and, where appropriate, to provide support and

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<sup>3</sup> Article 16 of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce', OJ L 178, 17.7.2000), indicates that Member States and the Commission shall encourage the drawing up of codes of conduct at Union level, by trade, professional and consumer associations or organisations designed to contribute to the implementation of its Articles 5 to 15.

training to enable CSO partners to fulfil the role of a "trusted reporter" or equivalent, with due respect to the need of maintaining their independence and credibility.

- The IT Companies rely on support from Member States and the European Commission to ensure access to a representative network of CSO partners and "trusted reporters" in all Member States to help provide high quality notices. IT Companies to make information about "trusted reporters" available on their websites.
- The IT Companies to provide regular training to their staff on current societal developments and to exchange views on the potential for further improvement.
- The IT Companies to intensify cooperation between themselves and other platforms and social media companies to enhance best practice sharing.
- The IT Companies and the European Commission, recognising the value of independent counter speech against hateful rhetoric and prejudice, aim to continue their work in identifying and promoting independent counter-narratives, new ideas and initiatives and supporting educational programs that encourage critical thinking.
- The IT Companies to intensify their work with CSOs to deliver best practice training on countering hateful rhetoric and prejudice and increase the scale of their proactive outreach to CSOs to help them deliver effective counter speech campaigns. The European Commission, in cooperation with Member States, to contribute to this endeavour by taking steps to map CSOs' specific needs and demands in this respect.
- The European Commission in coordination with Member States to promote the adherence to the commitments set out in this code of conduct also to other relevant platforms and social media companies.

The IT Companies and the European Commission agree to assess the public commitments in this code of conduct on a regular basis, including their impact. They also agree to further discuss how to promote transparency and encourage counter and alternative narratives. To this end, regular meetings will take place and a preliminary assessment will be reported to the High Level Group on Combating Racism, Xenophobia and all forms of intolerance by the end of 2016.